

MDTorah WEEKLY

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| | ירושלים | בית שמש | בני ברק |
| הדלקת נרות | 4:07 | 4:06 | 4:21 |
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Parshas Shemos - שמות
Dec 28, 2002 – כ"ג טבת תשס"ג – Vol. 4 No. 12

Talking Business

Everyday Jewish Business Law



No Shortcuts

Question

Eli has two ways of getting to the bus stop in the morning. He can either go down the hill and all the way round, which takes ten minutes, or take a shortcut through the apartment block across the street, which only takes two minutes. He has a friend in the building who is prepared to give him permission to use the stairs as a shortcut. However, there is one neighbour who is totally opposed to allowing any non-resident to use the stairs as a shortcut. Can he overrule Eli's friend?



Answer

The *Maharam* of Rotenburg was asked the following question (*Mordechai* to *Bovo Basro*, No.558). Reuven shares a house with several other people. He permits the public to use a facility within his section of the house which disturbs his fellow residents. Do they have the right to object to the public entering the jointly inhabited house? The *Maharam* replied that they certainly do have objection rights. Had he invited others to use a shared courtyard, his partners would not have been able to object. It is generally assumed that partners in a courtyard do not object to strangers frequenting the courtyard. However, when it comes to strangers visiting a jointly inhabited house, it is usual for the other residents to object. This distinction is quoted by the *Remo* in *Choshen Mishpot* (154:4).

The *Emek Hamishpot* (3:9) points out that this ruling is apparently only in

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Rav Leff Speaks

Jealousy

The story is told of a person who came to a rav to ask him what to do with a large quantity of very expensive liquor that he had forgotten to sell before Pesach. The rav told him that the liquor was forbidden and that he would have to spill it all out. The man accepted the ruling cheerfully, in spite of the considerable loss involved.

Two weeks later, the rav ruled against this same man in a dispute over a relatively small sum of money. This time the reaction was entirely different. He got angry, began cursing and demanding a re-trial. The rav turned to him and asked: "I don't understand. Two weeks ago, I ruled that you had to take a loss of hundreds of dol-

lars, and you went out with a smile, no problem. Why are you making such a fuss now over a mere ten dollars?"

"Two weeks ago," he replied, "I lost a few hundred dollars. Today, *this guy* gained ten dollars! That's what I can't take."

The *Sde Chemed* is a massive, ten-volume work of encyclopedic scope. It is hard to believe that any human being could know so much. But because of his great genius he became the object of jealousy. In fact, one person was so jealous of the *Sde Chemed* that he wanted to destroy him. He bribed a non-Jewish woman to spread the word that the *Sde Chemed* had had an immoral relationship with her. As a result, there was a move to expel him from the yeshiva. However, the rosh yeshiva,

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Living Education

Principles of Education Gleaned from the Weekly Parsha

A Strong Hand and a Loving Heart

Parents' number one love is their children. Their concern for them is so overwhelming that it overrides all other interests or needs. At the slightest sign of intended harm, parents will do everything to protect their children.

The Midrash *Shemos Rabbah* 1:1, as it introduces parshas Shemos, brings the posuk, "חושך" – "שבטו שונא בנו ואוהבו שחרו מוסר" – "One who refrains from using his rod [hitting his son when necessary] hates his son, and one who loves him gives him reproof in his early years." It then asks rhetorically, can it be true that a parent who does not hit his son will come to hate him? Will not a parent give anything to protect his child from harm?

Shlomo Hamelech is teaching us, continues the Midrash, that if one does not punish his child when necessary, he will eventually see him go "off the derech" and will come to despise him and hate him for it.

And so we find, adds the Midrash (ibid.), that the greatest of our forefathers and tzaddikim failed to hit their sons when need be and came to hate them because of their wicked behavior. Avraham Avinu did not castigate Yishmael, and when Yishmael began to lead a life of wickedness, Avraham came to hate him. Yitzchak Avinu, as well, did not hit Esav because of his overriding love for him, and eventually Esav left the righteous path. The same is true with Dovid Hamelech and his two sons Avshalom and Adoniyahu: both were spared the rod of their father even though they sinned, and both eventually left the way of Hashem.

Question: Why did the Midrash bring the posuk ...חושך שבטו at the start of sefer Shemos?

Answer: To understand the message behind the inclusion of the words ...את יעקב in the first posuk of

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Sanctified Mind

...and the Children of Israel groaned because of the work and they cried out. Their outcry because of the work went up to G-d. (Shemos 2:23)

For a person to be called a true servant of G-d, he should serve G-d with all his powers: his deeds, his speech and his thoughts. If he can't—if his thoughts are unruly and his speech resists his control—then let him serve G-d at least through his deeds, while, of course, remembering and regretting and trying to overcome the spiritual limitations which exclude him from the inner life of mitzvos which only thought and speech reveal. Enslaved by the Egyptians, the Children of Israel found themselves capable of directing only their deeds—their work—to G-d, and they bemoaned it: "they groaned because of the work," that is, because it was only through their deeds that they were capable of serving G-d. More than anything else, they wanted to give themselves over entirely to G-d, so that their deeds expressed the inner life of a person whose mind and speech is dedicated to *kedushah*, so "they cried out." And "their outcry because of the work"—because they felt so limited by their inability to serve G-d inwardly through thought and speech—"went up to G-d." He heard them, redeemed them, and sanctified their thought and their speech with the Torah.

Based on sefer Ner Yisrael

What's in a Name?

...and Yosef was in Egypt (Shemos 1:6)

Why did the Torah repeat the word Egypt? It should have said "There" and we would know that it meant Egypt. Rather, the point of the verse is that even in Egypt, Yosef remained "Yosef". He didn't change his name. Even though Pharaoh named him Tzofnas Paneach, Yosef still called himself Yosef, and so consistently that even Pharaoh disregards the name he gave him and refers to him as Yosef: "Go to Yosef. Whatever he tells you, you should do" (Shemos 41:50). Yosef made no effort to conceal his Jewish identity, even in a society in which it was an abomination to sit at the table with a Hebrew: "...for the Egyptians could not bear to eat food with the Hebrews, it being loathsome to Egyptians" (Shemos 43:32). Even as the representative of Pharaoh, even as the ruler of the state, he retained the name that reminded everyone that he was a foreigner, that he was a Hebrew. The Jewish people were redeemed because they kept the most basic elements of their national identity: they didn't change the way they dressed, their language or their names. Yosef's determination to remain "Yosef" suggests the all-defying intensity of that Jewish pride which sets us apart and prepares us for redemption.

Based on sefer Kedushas Levi MD

(Living Education—Continued from page 1)

Our parsha. The posuk reads: "ואלה שמות בני ישראל" - "And these are the names of the children of Yisrael who are coming to Egypt, Yaakov, each man came with his household..." יעקב את seems redundant for the Torah already mentioned in parshas Vayigash (Bereishis 46:8-28) that Yaakov and his family came to Egypt. The Midrash explains that our posuk is pointing out that the children of Yaakov were as righteous as he was, to teach us that Yaakov admonished and punished his children when necessary out of his great love for them - ואהבו שחרו מוסר - until they were equal to him in righteousness.

We learn from Yaakov that a child's development should be as important in a father eyes as his own. This is the love ("אהבו שחרו מוסר") a father should show his child: a continual desire to steer him from all harm, whether through verbal or physical admonishment and punishment. This explains the love Yitzchok had for Esav: a love consisting of a deep-rooted desire and feeling of responsibility to help Esav remove himself from all bad.

Now we can understand the hatred for a son mentioned in the above posuk - חשך שבטו שונא בנו - for one who refrains from admonishing and punishing his son shows that he is not concerned with his son's spiritual development and leaves him to do as he pleases, relying on the common man's wisdom of "all children behave like that", or "he'll grow out of it". This is the definition of hatred: total inconsideration for a child's spiritual development. The commentator on the Midrash, *Nechmad Lemare*, explains that Avraham warned Yitzchok not to associate with Yishmael, and Yitzchok admonished Yaakov when he saw him getting too close with Esav. Even Yaakov, who had twelve excellent sons, and apparently had no need to rebuke them and punish them, still did so, to protect them from doing even the slightest wrongdoings.

Apparently, there are two distinct ways in which a parent or teacher can influence a child to listen to his instruction: either through positive reinforcement; by giving him rewards, such as presents, or by improving him for wrongdoing. However, the Gemorah (*Brachos 5a*) says that a true present is one that comes through יסורין (suffering). "Hashem gave three good gifts - Torah, Eretz Yisroel and Olam Haba - to the Jewish people", says the gemorah, "and they were all given with suffering."

Lesson: Something of value can only come through total dedication and a willingness to endure pain and suffering, if necessary, in order to achieve it.

The Midrash explains that this is true love, as expressed in the words of the prophet *Malachi* (1:2), "...אהבתי אתכם אמר ה'." - "I loved you, said Hashem". Hashem's love for the Jewish people, continues the Midrash, is seen in his bringing upon them abundant suffering. And this is the meaning behind our posuk, "ואהבו שחרו מוסר". The Midrash *Tanchuma* at the beginning of parshas *Shemos* vividly describes how Batshevah tied Shlomo to a pole and hit him with a rod and warned him not to leave the ways of the righteous. As she hit him she told him not to run after fame and kingship, but to fill himself with *chochmas Hatorah* and to purify himself in preparation of prophecy. Her affliction produced results, as the posuk (*Malachim* 1, 5:11) calls Shlomo, "...ויהכם מכל האדם." - "And he became wiser than all men...". Through her actions, says the *Tanchuma*, Batshevah fulfilled the posuk of "ואהבו שחרו מוסר".

A parent or teacher who truly loves his child or student will not only *not* ignore the child's wrongdoing but will admonish him and demand improved behavior from him and punish him if necessary, even if the child complains bitterly and criticizes the adult for making his life miserable.

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(Talking Business—Continued from page 1)

accordance with the opinion of the *Rashbam*, who holds that any partner in the courtyard can fill his house with as many permanent residents as he wishes. Others are of the opinion that the partners can object to adding new permanent residents (*Rif*, *Rambam* and *Ramban*). The grounds for objection are that the increase in permanent users makes it harder for the other residents to gain access to their houses. They would uphold any resident's objection to another partner in the courtyard making his home open to the public. However, the *Sema* (*Ibid*. Note 7) explains that even according to this stricter opinion, objection can only be made to adding permanent residents to the courtyard. All would agree that as many occasional visitors may be invited to the courtyard as the resident wishes, since they do not cause a permanent

change in the quality of usage.

Accordingly, it would seem that all will agree that any resident can give an outsider permission to use the stairs as a shortcut on an occasional basis. Whether he can allow him to permanently take the shortcut would depend on the opinions mentioned above. The *Rashbam* would permit constant use, whereas the *Rambam*, etc. would allow objection to such use. However, the *Emek Hamishpot* argues that our case is not the same as that described by the *Remo* above. The *Remo* only permits adding permanent residents to one's house and free access for occasional visitors. Both these categories need to cross the jointly owned courtyard in order to gain access to this resident's home. Each resident has the basic right to allow free access to his own home. This does not mean that he can permit non-residents to use the stairs as a shortcut from one street to another. Such non-residential use is subject to the approval of all his fellow residents. Accordingly, one objection would indeed be sufficient to invalidate Eli's friend's permission.

However, the general rule is that as long as no objection has been raised, a non-resident may use the stairs (but not the elevator) as a shortcut (Rav Shlomo Zalman Auerbach, o.b.m.). On the other hand, one should also bear in mind the disturbance caused to residents if their private stairway is converted into a public thoroughfare. MD


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The difficulties brought upon the child in order to convince him to choose the right path is a true sign of love, for it helps him remove himself from all wrongdoing and bad company and to improve his ways, leading him down the path of righteousness and eternal reward. This is "ואהבו שחרו מוסר". One who truly loves his child will admonish him and punish him from the young age (שחרו); when he first is able to distinguish between right and wrong.

Not only will the above approach lead the child down the right path, but he will increase his love for the very parent or teacher who reprimanded him. In support of this idea the Midrash quotes, "...סיר בניך ויחירך..." – "Admonish your son and he will bring you a period of rest." He will bring you delicacies for your soul, explains the Midrash *Tanchuma*.

The importance of reprimanding and punishing students is highlighted by the gemorah in *Shabbos* (54b) which defines the parameters of the mitzvah of תוכחה (reproof). The gemorah says, "One who will be listened to if he gives reproof in his home and refrains from doing so is responsible for the sins of those in his home. One whose voice is respected and listened to citywide and does not give reproof will be held responsible for the sins of the city. And one who has dominion over the whole world and refrains from rebuking the wrongdoers, will be held responsible for all their sins."

Now, the above rule applies even to a group of adults and so much more so when dealing with students and their teacher, who is entrusted to educate and guide them to refrain from wrongdoing and to work to improve their spiritual level.

Accordingly, points out *Rav Aharon Kotler z"l* (*Mishnas Aharon* Book 1 pg. 249), the mitzvah of giving reproof is the most critical of all positive commandments. Besides for the punishment one receives for not fulfilling the mitzvah, he receives punishment as though he committed the sin himself.

Why, in fact, is this law stricter than others? *Rav Kotler* (ibid.) points out two reasons. One, for the Jewish people, even before they first entered Eretz Yisrael, accepted upon themselves the obligation to be responsible for each other's spiritual behavior and development (see gemorah *Sotah* 37a). Thus, one Jew is directly responsible for another just as one who signs on a friend's loan is responsible to pay it back if his friend is remiss.

Secondly, *R' Chaim of Volozhin* wrote (based on the posuk "...כי אמרתי עולם חסד יבנה..." – "For I [Hashem] said a world of loving-kindness should be built..." [Tehillim 89:3]), that just as Hashem created the world in order to benefit others, so too He created man so that man would benefit other men. The most valuable act of loving-kindness one can do to another is to increase his connection to Torah and mitzvos and to help him stay clear of the claws of the *yetzer hora*. One who ignores his obligation of reproving another (who would accept his reproof) is held liable for his sins for he is uprooting the fundamental purpose of creation. MD

To be continued.

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Thoughts on the Midrash

You're a Star!

Rashi explains that even though the names of the Children of Israel who went down into Egypt were listed while they were alive (at the end of sefer Bereishis), the Torah lists them again at the beginning of sefer Shemos, after they had died, to suggest that the Jewish people are like the stars, which G-d brings forth and removes by number, as it is written in sefer Yeshayahu (40:26) "Raise your eyes on high and see who created these [things]! He brings forth their legions by number. He calls to each of them by name."

Each individual Jew has his own special part to play as an agent and

power of the Divine in the world, whatever the circumstances of his life. Just as the stars shine at night, the Children of Israel were sent down into the darkness of Egypt in order to reveal the Divine light that is hidden in the soul of every Jew. Just as every angel has a name which signifies its mission, every Jew has a name, and that name signifies his mission in the world. That name doesn't change in times of trouble: the Jewish people didn't change their names in Egypt. Every Jew carries a light. Every Jew has a mission. And he can find strength in the assurance that he can fulfill that mission in darkness as well as light.

Based on the commentary of the *Sefas Emes* MD

(*Rav Leff*—Continued from page 1) who knew that he was a *tzadik*, refused to believe the accusation.

In the meantime, the woman lost the money and fell ill. Being a religious person, she realized that G-d was trying to tell her something. She came to the conclusion that her false accusations had brought her troubles upon her. So she went and confessed the truth to the *Sde Chemed* and begged his forgiveness. After considering the matter, he told her that he would forgive her on one condition: that she not divulge the truth to anyone. Why did he not want to be exonerated publicly? Because as it stood, people suspected that he had acted immorally. But if word would get out that one *bochur* was so jealous of another that he actually bribed someone to destroy his reputation, the *chilul HaShem* would be even greater. That was something he did not want on his conscience.

"Jealousy is a rotting of the bones." When you're jealous of someone, you can't forgive them for having something good. Even when

it's something you don't want or need, but it just eats you alive. That is the simple meaning. But there's another idea. The *Gemora* says that someone who is jealous not only doesn't get what he wants, he loses what he has, as well. It's not a punishment; it's just the natural outcome of the situation.

Rav Wolbe explains: Why is a person jealous? Because you don't appreciate what you yourself have. If you don't value what you are, you want to be somebody else. But you can never become somebody else. So you are never going to get what you want. And, by focusing on what the other person has, it keeps you from appreciating what you

have. In that sense, you lose that too. That's the meaning of "rotting of the bones." The word *etzem*, bone, also means essence. The desire for what others have, to be like them, is a rotting of the person's essence, his own identity, his own value.

The harm that jealousy causes is not only to oneself. Jealousy can actually harm others. That's the *ayin hora*. When someone in this world begrudges what another has; feels that he doesn't deserve it, it is called into question in the Heavenly Court. Especially, if he's been flaunting his possessions, in *shamayim* they ask, "Is this person really deserving of what he has?" It is also possible that he deserves to have what he has, but not at the cost of another person's feeling the pain of jealousy. And so it could be taken away from him.

How does one control these feelings that are so destructive, both to oneself and to others?

The more people look into the business of others, what they are doing, what they have, the more susceptible they are

to jealous feelings. The less you concern yourself with what others have, the less likely you are to become jealous.

People tend to exaggerate what others have and minimize their own possessions. A person should rather do the opposite: consider that what he has is more than it is, and minimize what others have.

Finally, a person has a responsibility not to arouse jealousy in others. Don't flaunt what you have. Don't brag about it and push it in their eyes. The more you talk about what you have or what you did, the more you are likely to make people jealous. MD

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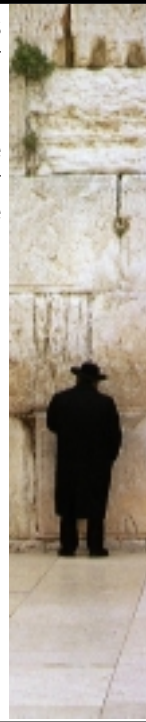
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